

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

### LAND DIVISIONS (MINOR/MAJOR PARTITIONS, SUBDIVISIONS)

1. Purpose. The purpose of this Ordinance is to enact subdivision and land partitioning and expedited land division regulations for the City of Tillamook which will provide for better living conditions within new land divisions; assure necessary streets, utilities and public areas and provide for their installation or improvement; enhance and secure property values in land divisions and adjacent land; simplify and make land descriptions more certain and in general to promote the health, safety, convenience and general welfare of the people consistent with the Tillamook City Comprehensive Plan.

2. Rules of Application. No person shall subdivide, submit a land division or partition an area or tract of land without compliance with the provisions of this Ordinance.

A. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision with respect to which approval is required by the City provisions of this Ordinance until such approval is obtained and the plat thereof has been acknowledged and recorded with the County Recording Officer.

B. No person may dispose of, transfer, sell or agree to sell any parcel in a major partition or a minor partition prior to approval as required by the provisions of this Ordinance.

C. No person subdividing or partitioning a parcel of land shall lay out, construct, open or dedicate thereon a street, sanitary sewage disposal system, storm sewer, water supply or other improvements for public or common use unless the partitioning has received preliminary and construction plan approval pursuant to the provisions of this Ordinance.

3. Minor Land Partitioning

A. Minimum Standards. The minimum standards for design and improvements in a minor land partitioning shall conform to standards mentioned in Section 8 of this section and Section 22.1 of this Ordinance. A minor partition does not include the creation of a street.

B. Initial Submission. The person proposing the partition, or his authorized agent, or representative, shall make an application in writing to the City Planner. Each application shall be accompanied by one reproducible copy of the tentative plan map, and any proposed deeds for easements. Ten (10) copies shall be submitted to the City Planner at least 45 days prior to the Planning Commission Hearing at which such plan would be considered. A filing fee as listed in Section 10 of this Ordinance shall be paid at this time.

C. Information on Map. A tentative site plan map, drawn to scale, shall indicate the following:

1. The location, existing and proposed boundaries and acreage of parcels in the proposed partition; location, width, name and purpose of all adjacent streets or easements, and location and outline of existing buildings;
2. The date, north point, scale, and a written legal description of the entire property;
3. Name and address of the record landowner or owners and the person who prepared the map;
4. Approximate acreage of the land under a single ownership;

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

5. Outline and location of existing buildings to remain in place;
6. Parcel layout, showing size and relationship to existing streets and utility easements;
7. Additional information as required by the Planning Commission, such as a site investigation by a qualified geotechnical expert when the average slope of the lots created is greater than 20 percent.

### D. Review and Approval.

1. Within 30 days of the receipt of the completed minor partition application, the City Planner shall distribute copies thereof to appropriate offices and agencies, and property owners within the distance as described in Section 10 of this Ordinance, for their review. Not more than 15 days thereafter, such copies shall be returned to the City Planning Department together with any comments or information they deem necessary. Upon receipt of this information, the Planning staff shall transmit to the Planning Commission, or handle internally for administrative processing, a written report and recommendation including available reports and recommendation of the City Engineer and/or other affected agencies.
2. After receipt of the report, the City Planning Commission shall take action on the proposed partition at a regular meeting, or City Staff shall handle the process administratively, as directed by Section 10 of this Ordinance. The Planning Commission, or Staff, shall determine whether the proposal is compatible with the zoning Ordinance and other requirements of the City. In approving a minor partition, the Planning Commission may require modifications in the proposal, or conditions to be met, such as the dedication of easements.
3. Approved partitions shall be signed by the Planning Commission chairperson or designee. The date of approval and any conditions attached to the approval must be completed prior to final approval. Upon final approval, the landowner may proceed to sell the lots without further action or filing on his part.
4. Decisions made by the Planning Commission may be appealed to the City Council in accordance with Section 33 of this Ordinance.

E. Filing of Partition Map. Approval of the map shall be null and void if the map is not recorded within one (1) year after final approval is obtained from the City.

### 4. Lot Line Adjustments

A. Area of Application. A lot line adjustment is a change to a property boundary that only modifies existing lots and does not create a new parcel of land or reduce the number of lots.

#### B. Standards

1. A lot line adjustment cannot create or vacate a parcel. Creation or vacation of a parcel requires a separate approval process by the City of Tillamook.
2. Following the lot line adjustment, all lots must comply with lot size and dimensional standards of the applicable land use district. For non-conforming lots, the adjustment shall

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

not increase the degree of non-conformance of the subject property or surrounding properties.

3. If there are existing structures on the parcels, the lot line adjustment may not result in a setback violation.

C. Submittal Requirements. The following information and material must be submitted by the applicant:

1. Applications for lot line adjustments shall be submitted on forms provided by the City to the City Planner and accompanied by the appropriate fee. The application must be signed by the owners of all lots affected by the application.
2. Each application shall be accompanied by a preliminary map drawn to scale of not less than one inch equals fifty (50) feet nor more than one inch equals 200 feet, and containing at a minimum, the following:
  - a. Appropriate identification stating the drawing is a preliminary map.
  - b. North point, scale and date.
  - c. Name and addresses of landowners, applicants, engineer, surveyor, planner, architect or other "individuals responsible for the plan.
  - d. Map number and tax lot or tax account number of subject property.
  - e. The proposed boundary lines and approximate area of the subject property created before and after the adjustment.
  - f. Dimensions and size in square feet or acreage of all proposed parcels.
  - g. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, or political boundary lines.

D. Review Process. A lot line adjustment is subject to City Manager or Designate review. After a lot line adjustment is approved, the new boundary becomes effective only after the following steps are completed:

1. A metes and bounds legal description of the adjusted lots is recorded with the Tillamook County Clerk.
2. As required by ORS Chapter 92, a final plat and boundary survey are prepared and all new boundaries are monumented as required by ORS Chapters 92 and 209. The final plat is submitted to the City for signatures. After signatures are received the applicant files the final plat in the County Surveyor's office and returns three (3) copies to the City.

### 5. Major Land Partitioning

A. Minimum standards. The minimum standards for design and improvements in a major land partitioning shall conform to Section 8 of this Section. The Planning Commission, under quasi-judicial review, or the City Staff, may approve the creation of a street to be established

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

1. The establishment of the public street is initiated by the City Council and is declared essential for the purpose of general traffic circulation.
2. The tract in which the street is to be dedicated is a major partition under single ownership either of not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
3. The street is the only reasonable access to the rear portion of an extraordinarily deep land parcel, which should be divided into not more than two parcels.

B. Initial Submission. A tentative map for the major partitioning of land shall be submitted to the City Planner at least 30 days prior to the meeting of the Planning Commission.

C. Preliminary Review. The following provisions shall apply to preliminary review of a major partition.

1. The applicant shall prepare an application, a tentative plan and any proposed deeds for easements. Ten (10) copies of the materials mentioned above shall be submitted to the City Planner at least 45 days prior to the Planning Commission Hearing at which consideration will be required.

D. Information on Tentative Map. The tentative major partition map shall contain:

1. Date, north point, scale and sufficient description to define the location and boundaries of the tract to be partitioned and its location;
2. The tentative major partition map shall be drawn on paper at least 8 1/2 x 11 inches, at a scale of 1 inch equals 50 feet, or, for areas over 10 acres, 1 inch equals 100 feet;
3. Names and addresses of the owner, partitioner, engineer and surveyor, if any, or any other professional person employed in the preparation of the major partition;
4. Size of the original tract and size of parcels proposed;
5. The locations, names, widths, approximate radii of curves and grades of all existing and proposed streets and easements in the proposed major partition and along the boundaries thereof. The names of adjoining platted subdivisions and portions of the subdivisions and partitions as shall be necessary to show the alignment of streets and alleys therein with the streets and major partition;
6. Contour lines at 20' contour intervals, where the information is made available by the city;
7. Outline and location of existing buildings to remain in place;
8. The location of any streams;
9. Location and size of sewer and water lines and drainage ways;

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

10. Names of recorded owners of all contiguous land;
11. Parcel layout and relationship to existing or proposed streets, and utility easements, and any proposed lot numbers;
12. If impractical to show on the tentative map, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features, such as streets, railroads and water courses.

E. Supplemental Information. The following may be required by the City Manager, or designate, to supplement the map of a major partition:

1. Approximate centerline profiles with extensions for a reasonable distance beyond the limits of the proposed major partition showing the finished grade of streets and the nature and extent of street construction.
2. A grading plan showing the nature and extent of all cuts and fills, and information on the nature of the soils, provisions for storm drainage, erosion control and revegetation.
3. Information showing areas to be cut or filled.
4. A site investigation by a qualified geotechnical expert for proposals when the average slope of created parcels is 20 percent or more, or in other cases where in the opinion of the Planning Commission a geological hazard may exist.

F. Review and Approval.

1. Within five (5) days after a partitioning plan submitted and accepted, the City Planner shall distribute copies thereof to appropriate offices and agencies for their review. Not more than fifteen (15) days thereafter, the copies shall be returned to the City Planner with any comments or information each deems necessary for the public benefit. The Oregon Real Estate Commissioner shall be notified of the plan submission as appropriate.
2. The Planning Commission shall consider the tentative plan and the reports by appropriate agencies at a Planning Commission public hearing no more than sixty (60) days after the tentative plan is submitted. The plan shall be approved by the Planning Commission if the Commission can determine that:
  - a. the plan conforms to the laws of the state and to the requirements of this ordinance and other pertinent city ordinances; and that
  - b. improvements and payment provisions as specified in Section 22.1 of the Ordinance have been complied with

G. Submission of Final Map. Not more than one year following approval of the tentative map, the partitioner shall prepare and submit to the City Planner a final map in conformance with the tentative map as approved. A reproducible drawing shall also be submitted to the City Recorder.

H. Information on Final Map. The final map shall show the following:

1. The date, scale, north point (general pointing up), legend, and controlling topography (i.e., creeks, highways, railroads, etc.);
2. Reference points of existing surveys identified, related to the map by distances and bearings, and referenced to a field book or map as follows:

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

- a. All stakes, monuments or other evidence found on the ground and used to establish the initial point of the partitioned area boundary and to otherwise determine the boundaries of the partitioned area;
- b. Adjoining corners of all adjoining developed areas;
- c. Whenever there has been established or adopted a system of coordinates, ties into this system but in the absence of such a system, township and section and donation land claim lines within or adjacent to the map;
- d. Whenever the city has established the centerline of a street adjacent to or within the proposed partitioned area, the location of this line and monuments found or reset;
- e. All other monuments found or established in making the survey of the partitioned area or required to be installed by the provisions of this ordinance.

3. Tract boundary lines, right-of-way lines and center lines of streets, and lot lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. Tract boundary and street bearings shall be shown to the nearest 10 seconds with basis of bearings. All distances shall be shown to the nearest 0.01-foot. Error of closure shall be within the limit of one foot in 10,000 feet;

4. The center and side lines of all streets, the widths of the portions being dedicated, and width of existing rights-of-way, and the widths each side of the center line. For streets on curvature, all curve data shall be based on the street centerline, indicating thereon the radius, and central angle. Block corner curb data to be shown separately;

5. All easements clearly labeled, and identified and if already of record, the recorded reference. If any easement is not definitely located of record, a statement of the easement, Easements shall be denoted by fine dotted lines. The widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement with respect to the partition must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication;

6. Lot numbers beginning with the number "1" and numbered consecutively in a clockwise direction.

I. Information in Statement. At time of submission of the final map, a statement shall be submitted containing information required in Section 22.1 of this Ordinance.

J. Technical Review. Review of the final map shall conform to the requirements of Section 6(K) of this Section.

K. Final Approval of City Planning Commission/City Manager or Designate

Final approval of a Major Partition by the City Planning Commission, or City Planner, shall be pursuant to the provisions of Section 6(L).

L. Appeal to the City Council or Hearings Referee. Decisions by the Planning Commission, or Staff, on preliminary and final maps on preliminary and final maps may be appealed to the City Council, or a hearings referee, in accordance with Section 33 of this Ordinance.

M. Filing of Final Map. Approval of the final map shall be null and void if the map is not recorded within 90 days after approval is obtained.

### 6. Subdivision of Land

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

A. Initial Submission. Ten copies of a tentative plan consistent with Section C (1- through-18) below shall be submitted to the City Planner at least 30 days prior to the meeting of the City Planning Commission, or formal declaration of applicability of the expedited land division process.

B. Preliminary Review.

1. Upon receipt of a completed application accompanied with filing fees, the City Planner shall transmit copies of the tentative plan to the City Planning Commission, City Council, other agencies, such as the County and affected special districts.
2. The City Planner shall prepare a report on the plan for submission to the City Planning Commission or by finding. The report shall include information on the Comprehensive Plan, Comprehensive Plan Background Report, zoning, adjoining streets and property, existing sewers, water mains, culverts, electric conduits, and other community facilities, in addition to features of the proposal, together with any other data pertinent to the review of the plan.
3. The City Planner shall provide adequate public notice according to Section 10 (subsections 10 & 11), of this Ordinance. Individual notices shall be mailed to all owners of parcels of land within 250 feet of the subdivision boundaries, according to Section 10 (3) of this Ordinance.

C. Information on Tentative Plan (Plat). The tentative plan shall contain the following information:

1. Proposed name, date, north point, and scale of drawing.
2. Tentative plans shall be to a scale of one inch equals 50 feet or better, except tracts over 10 acres which may be to a scale of one inch equals 100 feet, and shall be clearly and legibly produced.
3. Location of the subdivision sufficient to define its location and boundaries, and a legal description.
4. Name and address of the owner, and/or authorized agent.
5. Appropriate identification of the drawing as a tentative plan.
6. Names, business address and number of the registered engineer and licensed surveyor who prepared the plan of the proposed subdivision.
7. Location of natural features, such as streams, trees, rock outcroppings.
8. Contour lines at 2' contour intervals.
9. The locations, names, widths, approximate radii of the curves and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of the streets and alleys therein with the streets and alleys in the proposed subdivision.
10. Names of the record owners of all contiguous land.



## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

11. The approximate location and character of all existing and proposed easements and public utility facilities, including water and sewer lines in the subdivision or adjacent thereto, storm water drainage facilities, and utility lines.
12. The location and approximate dimensions of each lot, with each lot numbered.
13. The outline of any existing buildings and their use showing those which will remain.
14. The location of at least one temporary benchmark within the subdivision boundaries.
15. City boundary lines crossing or bounding the subdivision.
16. Approximate location of all areas subject to inundation of storm water overflow and location, width, known high water elevation flood flow and direction of flow of watercourses.
17. If impractical to show on the tentative plan, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features such as streets, railroads and water courses.
18. The net density of the subdivision, the total acreage of land, square footage of each lot, and square footage of open areas or common open space.

D. Partial Development. If the subdivision proposal pertains to only part of the tract owned or controlled by the subdivider, the Planning Commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

E. Information in Statement.

1. A general explanation of the improvements and public utilities, including water supply and sewage disposal proposed to be installed.
2. Requested variances.
3. Public areas proposed.
4. Open space, landscaped areas, and tree planting proposed, and means of maintaining such Improvements.
5. A preliminary draft restrictive covenants proposed, if any.
6. Information showing areas to be cut or filled.

F. Supplemental Information. Any of the following may be required by the Planning Commission to supplement the plan of a subdivision.

1. Approximate centerline profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.
2. A plan for domestic water service lines and related water service facilities.
3. Approval for sewage disposal, storm water drainage, or flood control.
4. Proposals for other improvements such as electric utilities and sidewalks, fire hydrants and streetlights.



## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

5. An engineering geologist or soils engineer report of the stability of slopes when the average slope of created parcels is 20 percent or greater.
6. Other information as necessary.

G. Preliminary City Planner or Planning Commission Determination. City Staff shall first determine whether the tentative plan is in conformity with the provisions of the Comprehensive Plan and this ordinance. As a quasi-judicial process, the Planning Commission shall then determine whether the tentative plan is in conformity with the provisions of the comprehensive plan and of this Ordinance. The Planning Commission may approve the tentative plan as submitted, or as it may be modified. If the City Planning Commission does not approve the plan, it shall state the reasons for denial. The action of the Planning Commission shall be noted on two copies of the tentative plan, including any conditions attached thereto. The Planning Commission shall retain one copy and the other returned to the subdivider. An appeal, to the City Council, of a Planning Commission decision may be made consistent with Section 33 of this Ordinance.

H. Submission of Final Plat. Within one year after approval of the tentative plan, the subdivider, or land divider shall cause the proposed subdivision, or any part thereof, to be surveyed and a plat thereof prepared in conformance with the tentative plan as approved or conditionally approved, unless an extension is requested in writing and granted by the Planning Commission.

1. A request for extension must be submitted prior to the expiration of one year.
2. An original drawing and five blue line or black line prints of the plat shall be submitted to the City Recorder.

I. Information on Final Plat. The final plat, in addition to other information required by ORS Chapter 92, shall show the following:

1. The date, scale, north point (generally pointing up), and legend.
2. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
  - a. All stakes, monuments or other evidence found on the ground and used to establish the initial point of the subdivision boundary and to otherwise determine the boundaries of the subdivision;
  - b. Adjoining corners of all adjoining subdivisions;
  - c. Whenever there has been established or adopted a system of coordinates, ties into this system but in the absence of such a system, township and section and donation land claim lines within or adjacent to the plat;
  - d. Whenever the city has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset;
  - e. All other monuments found or established in making the survey of the subdivision or required to be installed by the provisions of this Ordinance.

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

3. Tract boundary lines, right-of-way lines and center lines of streets, and lot and block lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. Tract boundary and street bearings shall be shown to the nearest 10 seconds with basis of bearings. All distances shall be shown to the nearest 0.01-foot. Error of closure shall be within the limit of one foot in 10,000 feet.

4. The location of additional monuments, which are to be set upon completion of improvements.

5. The center and sidelines of all streets, the width of the portion being dedicated, the width of existing rights-of-way, and widths each side of the center line. For streets on curvature, all curve data shall be based on the street centerline, indicating thereon the radius and central angle. Block corner curb data to be shown separately.

6. All easements clearly labeled, and identified and if already of record, the recorded reference. If any easement is not definitely located of record, a statement of the easement. Easements shall be denoted by fine dotted lines. The widths of the easements and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certified dedication.

7. Lot numbers beginning with the number "1" in each block and numbered consecutively in a clockwise direction, unless in conflict with adjoining subdivisions.

8. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid and have sufficient size and thickness to stand out and shall be so placed as to not obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

9. Appropriate words, symbols, or legends distinguishing lots intended for sale from land parcels dedicated for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case.

10. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the plat.

11. A certificate signed and acknowledged by the engineer or surveyor responsible for the survey and plat, the signature of such engineer or surveyor, to be accompanied by his seal.

12. Any additional certificates or information required by ORS Chapter 92.

**J. Information in Statement.** At the time of the submission of the final plat, the subdivider shall also submit the following:

1. A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;

2. Sheets and drawings showing the following:

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

- a. Traverse data indicating the coordinates of the boundary of the subdivision and ties to section corners, donation land claim corners, if any, or triangulation systems, and showing the error of closure, if any;
  - b. The computation of all distances, angles and courses shown on the final plat;
  - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing;
  - d. Coordinates of all block corners and all street center points.
3. A copy of any deed restrictions applicable to the subdivision.
  4. A list of all taxes and assessments on the tract, which have become a lien on the tract.

### K. Technical Review

1. Upon receipt of the final plat and accompanying data, the City Planner shall review the plat and documents, to determine that it conforms to the proposed tentative plan, and that there has been compliance with provisions of the law and with this Ordinance.
2. An engineer or surveyor may examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees as are provided by state law. He may make checks in the field to verify that the map is sufficiently correct on the ground, and he may enter the property for this purpose. If he determines that there has not been full conformity, he shall advise the subdivider of the changes or additions that must be made and afford the subdivider an opportunity to make such changes or additions.
3. If the engineer determines that full conformity has been made, he shall so certify and transmit the plat to the Planning Commission.

L. Final Plat Approval of City Planning Commission/ City Manager or Designate The City Planning Commission, under quasi-judicial review, shall examine the proposed plat to determine whether it conforms to the tentative plan and with all changes permitted and all requirements imposed as a condition of its acceptance. If the City Planning Commission does not approve the proposed plat, they shall advise the subdivider of the changes or additions that must be made for this purpose, and shall afford him the opportunity to make the same. If the City Planning Commission determines that the plat conforms to all requirements, it shall approve same, but before certifying its approval thereon, it shall be required that the subdivider file the agreement and bond, or make the deposit, required in Section 8 of this Section and when the agreement and bond have been filed as approved and prescribed, the City Planning Commission approval shall be endorsed upon the plat by execution of the appropriate certificate as prescribed by law. The approval of the plat does not constitute or affect an acceptance by the public of the dedication of any street or other easement shown on the plat.

M. Filing of Final Plat. A subdivider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

not recorded within 90 days after the date the last required approving signature has been obtained.

### N. Appeal.

1. A person may appeal to the city council a decision or requirement of the planning commission. Written notice of the appeal must be filed with the city within 10 days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.

2. The city council shall hold a hearing on the appeal according to Section 33 of this Ordinance. The city may continue the hearing for good cause according to Section 33 of this Ordinance. The council may uphold, modify, or overrule the decision of the planning commission.

### 7. Planned Unit Development

A. Purpose. To encourage development of large land areas as planned building groups by making possible greater variety and diversification in the location and orientation of buildings and open spaces. It is further the purpose of Planned Unit Developments to utilize and take advantage of: advances in technology and design; the potential of sites characterized by special features of geography, topography, size and shape; and opportunities to further the objectives and policies of the Tillamook City Comprehensive Plan.

B. Applicability of Planned Unit Development Regulations. The requirements for a Planned Unit Development set forth in this Section are in addition to the conditional use procedures and standards of Section 27.

C. Findings for Project Approval. The Planning Commission or City Planner shall approve a Planned Unit Development only if it finds that the Planned Unit Development will satisfy standards of this section including the following:

1. The Planned Unit Development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan, and making appropriate provisions for the preservation of natural features such as streams and shorelines, wooded cover and rough terrain.

2. The Planned Unit Development will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.

3. Financing is available to the applicant sufficient to assure completion of Planned Unit Development.

D. Potential Uses. The following uses are allowed in a planned development if the planning commission or City Planner considers them appropriate for the particular development being proposed and if other applicable standards are satisfied:

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

1. Single-family dwellings, detached or attached;
2. Duplexes and triplexes;
3. Multi-family housing developments;
4. Commercial uses supported mainly by residents of the planned development when such commercial uses require an area no larger than five percent of the area devoted to residential uses;
5. Non-residential uses permitted in the parent zone as either an outright use or a conditional use.

E. Size of the Planned Unit Development Site. A tract of land to be developed as a Planned Unit Development shall contain not less than four (4) contiguous acres and be of a configuration that is conducive to a Planned Unit Development.

F. Density. The density of a planned development shall not exceed the density of the parent zone.

G. Dimensional and Bulk Standards.

1. The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a Planned Unit Development is proposed do not apply within a Planned Unit Development. The lot area may be less than the minimums set forth in this ordinance, provided that the residential density, open space, and other requirements of this section are satisfied.
2. No building shall be located closer than 20 feet from any street right-of-way within the planned development. Other setbacks may be established by the Planning Commission to provide adequate light, ventilation, privacy, and other characteristics.
3. If the spacing between main buildings is not equivalent to the spacing, which would be required between buildings similarly developed under this Ordinance on separate parcels, other design features shall provide light, ventilation and other characteristics equivalent to that obtained from the spacing standards.
4. Buildings, off-street parking and loading facilities, open space, landscaping, and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the zone.
5. The maximum building height shall, in no event, exceed those building heights prescribed in the applicable zoning district in which the Planned Unit Development is proposed, except that a greater height may be approved if surrounding open space within the Planned Unit Development, building setbacks, and other design features are used to avoid any adverse impact due to a greater height.

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

### H. Open Space.

1. In all planned developments forty percent (40%) of the total land area shall be devoted to open space. Of this 40%, Seventy-five percent (75%) of this area shall be common open space, and the remaining twenty-five percent (25%) of said open space may be utilized privately by individual owners or users of the planned development.

2. No open area may be accepted as common open space within a Planned Unit Development unless it meets the following requirements:

- a. The location, shape, size and character of the common open space is suitable for the planned development.
- b. The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography, and the number and type of dwellings provided.
- c. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.
- d. The development schedule which is part of the development plan coordinates the improvement of the common open space, and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the Planned Unit Development.
- e. If buildings, structures or other improvements are to be made in the common open space, the developer provides a bond or other adequate assurance that the buildings, structures and improvements will be completed. The City Manager shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.

3. Land shown on the final development plan as common open space shall be conveyed under one of the following options:

- a. To a public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.
- b. To an association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws, and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

- c. No common open space may be put to a use not specified in the final development plan unless the final development plan is amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.
  - d. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement and maintenance of the common open space shall authorize the City to enforce their provisions.
4. The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned development.

### I. Transportation.

- 1. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within planned developments shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
- 2. Streets in a planned development may be dedicated to public use or may be retained in private ownership except the planning commission/city staff may require major streets to be dedicated to the public. All streets will be constructed in accordance with city public works design standards.
- 3. All uses shall comply with access, parking, and loading standards as shown in Section 25 of this ordinance except additional requirements may be specified by the planning commission or City Manager when appropriate.

J. Signs. All signs larger than eight (8) square feet within a planned development are subject to approval of the planning commission. The planning commission or City Manager shall consider each such sign on its merits based on the aesthetic impact on the area, potential traffic hazards, and the need for the sign.

K. Compatibility with Adjacent Development. If topographical or other barriers near the perimeter of the development do not provide reasonable privacy for existing uses adjacent to the development, the planning commission shall require buildings in the planned development to be setback an adequate distance, as determined by the planning commission or City Planner, from the perimeter and/or require an attractively designed and maintained buffer in the form of vegetation, fencing, walls, and/or berms.



## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

L. Maintenance of Common Areas. Common open space, streets, and any area or facility designated by the planning commission or City Planner as a shared area will comply with the following provisions:

1. The developer shall enter into a contractual agreement with the City specifying the developer's responsibility to adequately maintain any common open space, streets, shared area or structures or the property will be conveyed under one of the following options:

- a. To a public agency which agrees to maintain the common open space and any buildings or structures which have been placed on it, or
- b. To an association of owners and/or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and by-laws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the planning commission as providing for the continuing care of the space.

2. The property may not be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. However, a change of use may be considered as a waiver of any of the covenants limiting the use of the property, and all rights to enforce these covenants against any use permitted are expressly reserved.

3. If the property is not conveyed to a public agency, the covenants and restrictions that govern the association of owners and/or tenants will at least include the following provisions:

- a. Membership must be mandatory for each home buyer or tenant and each successive buyer or tenant.
- b. The association must be responsible for liability insurance, local taxes, and the maintenance of the property.
- c. Homeowners and tenants must pay their pro rate share of the cost.
- d. The association must be able to adjust the assessment to meet changed needs.

4. If the common open space is not conveyed to a public agency, approval of the planned development shall be expressly conditioned upon a conveyance by the developer to the town of the development rights.

M. Utility Easements. Easements necessary for the orderly extension and maintenance of public utilities may be required as a condition of approval.

N. Public Works Design Standards. All planned developments will comply with any applicable portions of the city public facilities standards. Construction of all public facility improvements shall be in accordance with the Tillamook City Public Works Construction

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

Standards adopted by Ordinance #1160. The planning commission or City Planner may also establish additional requirements which it considers necessary to assure that any development conforms to the purpose and intent of this section.

O. Accessory Uses in a Planned Unit Development. In addition to the accessory uses typical of the primary uses authorized, accessory uses approved as a part of a Planned Unit Development may include the following uses:

1. Golf courses;
2. Private park, lake or waterway;
3. Recreation area;
4. Recreation building, club house or social hall;
5. Other accessory structures which the Planning Commission finds is designed to serve primarily the residents of the Planned Unit Development, and is compatible to the design of the Planned Unit Development.

P. Application Requirements. When an application is submitted for a planned development, the following items will be submitted:

1. Written documents:
  - a. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development.
  - b. A statement of the present ownership of all property within the planned development.
  - c. A statement of the proposed financing and the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development such as land areas and dwelling units.
  - d. A development schedule including:
    1. The approximate date when construction of the project can be expected to begin;
    2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
    3. The anticipated rate of development;

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

4. The approximate dates when each stage in the development will be completed;

5. The area, location and degree of development of common open space that will be provided at each stage.

e. Quantitative data for the following:

1. total number and type of dwelling units;

2. parcel sizes;

3. proposed lot coverage of buildings and structures;

4. approximate residential densities; total amount of open space (including separate figures for common open space and usable open space);

5. the total amount of non-residential acreage (including a separate figure for commercial and industrial acreage.)

f. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common open space areas.

2. **Site Plan and Supporting Maps:** A site plan and any maps necessary to show the major details of the proposed planned development must contain the following minimum information:

a. The existing site conditions, including contours at two-foot intervals, shorelines, flood plains, unique natural features, and forest cover;

b. A grading plan for the site showing future contours if the existing grade is to be changed by more than two feet;

c. Proposed lot lines and other divisions of land for management, use or allocation purposes;

d. The approximate location of present and proposed buildings and structures;

e. The location and size of all areas proposed to be conveyed, dedicated, or reserved for streets, parks, playgrounds, public and semi-public buildings, and similar uses;

f. The existing and proposed vehicular circulation system including off-street parking and loading areas;

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

- g. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict;
- h. The existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;
- i. Enough information on land areas adjacent to the proposed development to indicate the relationship between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape;
- j. The proposed treatment of the perimeter of the development including materials and techniques used such as screens, fences, and walls;
- k. Any additional information as required by the review authority necessary to evaluate the character and impact of the proposed development.

### **Q. Review Procedures.**

1. Planned developments will be reviewed in two phases; a preliminary development plan phase and a final development plan phase. However, pre-application review of the project before these phases is required.
2. The preliminary development plan will include the information and procedures specified in subsection 6, of this Section. If the proposed planned development involves subdividing land, the preliminary plat shall be reviewed concurrently with the preliminary development plan.

a. Planning Commission Action. The planning Commission shall act upon the application for a Planned Unit Development within 90 days of its submittal to the City Planner. A Public hearing shall be held in accordance with provisions in this section and Section 27. In taking action, the Planning Commission may approve with conditions or deny the Planned Unit Development based on the Preliminary Development Plan. Any Planned Unit Development authorized shall be subject to all conditions imposed, and shall be exempted from other provisions of this Ordinance only to the extent specified in said authorization. Any approval of a Planned Unit Development granted hereunder, shall be exempted from other provisions of this Ordinance only to the extent specified in said authorization. Any approval of a Planned Unit Development granted hereunder, shall lapse and become void unless, within 12 months after the final granting of approval, or within such other period of time as may be stipulated by the Planning Commission as a condition of such approval, construction of the buildings or structures involved in the development has begun and diligently pursued. The Planning Commission may further impose other conditions limiting the time within which the development or portions thereof must be completed. The decision of the Planning Commission shall be final unless appealed to the City Council according to the procedures set forth in Section 33.

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

3. Within three (3) months to a year following the approval of the preliminary development plan, or approval of the plan with conditions, the applicant shall file with the City a final development plan containing in final form the information required in the preliminary plan. This plan may be for the entire development or, when submission in stages has been authorized, for the first stage of the development.

4. If the City Planner finds evidence of a material deviation from the preliminary development plan, the City Planner shall advise the applicant to submit an application for amendment of the Planned Unit Development to the Planning Commission. An amendment shall be considered in the same manner as an original application. If no significant deviation from the preliminary development plan is found the City Planner will approve the planned development.

R. Control of the Development After Completion. The final development plan shall continue to control the Planned Unit Development after it is finished, and the following shall apply:

1. The building official in issuing a Certificate of Completion of the Planned Unit Development shall note the issuance on the recorded final development plan.

2. After the Certificate of Completion has been issued, the use of the land and the construction, modification or alteration of a building or structure within the Planned Unit Development shall be governed by the approved final development plan.

3. After the Certificate of Completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan, except as follows:

a. Minor modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure.

b. A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended Planned Unit Development if it is in compliance with the purpose and intent of the final development plan.

4. An amendment to a completed Planned Unit Development may be approved by the Planning Commission if it is required for the continued success of the Planned Unit Development, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved, or because there have been changes in the development policy of the community as reflected by the Comprehensive Plan or related land use regulations.

5. No modification or amendment to a completed Planned Unit Development is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the area of the Planned Unit Development; and all rights to

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

enforce these covenants against any change permitted by this section are expressly reserved.

S. Commercial/Industrial P.U.D. In addition to the criteria contained in subsection 6 of this section, a P.U.D. within a Commercial or industrial zone shall be subject to the following standards:

1. The principal uses conducted on the site are either outright or conditional uses for the respective zone. Conditional uses shall meet the review criteria of Section 27.
2. Secondary uses shall be directly related to the principal use, or provide support services including, but not limited to, transportation, housing, commercial service and commercial retail.
3. Secondary uses should be limited to 30% of the buildable area within the P.U.D.

T. Adherence to Approved Plan. Building permits for construction within a planned development shall be issued only on the basis of an approved planned development plan. Any changes in an approved plan will be submitted to the planning commission and shall be reviewed using the same procedure used to review the original application.

### 8. Design Standards

A. General Requirements. Before final approval of a final plat of a subdivision or final map of a major partition, the subdivider shall either install required street improvements and repair existing streets and other existing public facilities damaged in the development of the property or execute and file with the City Manager, an agreement between himself/herself and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within that period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amount from the land developer. The agreement shall also provide the reimbursement of the City for the cost of inspection by the City of the improvements to be installed. The agreement may also provide for the construction and improvements to be completed in units and for an extension of time under the conditions therein specified.

1. Public Works Design Standards. All major partitions, subdivisions, planned developments will comply with any applicable portions of the city public facilities standards. Construction of all public facility improvements shall be in accordance with Section 22.1 of this Ordinance and the Tillamook City Public Works Construction Standards adopted by Ordinance #1160. The planning commission, City Planner and/or Public Works Director may also establish additional requirements, which it considers necessary to assure that any development conforms to the purpose and intent of this section.

(Added by Ordinance #1182, effective 2/06/03)